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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

8 Attorney for Defendants
9 ALLIED PROPERTY AND CASUALTY
10 INSURANCE COMPANY, AMCO INSURANCE
11 COMPANY, and NATIONWIDE MUTUAL
12 INSURANCE COMPANY

13 UNITED STATES DISTRICT COURT
14 SOUTHERN DISTRICT OF CALIFORNIA
15 SAN DIEGO DIVISION

BY FAX

16 1800 SOUTH MAPLE STREET, LLC, a
17 California Limited Liability Company;
18 RALPH J. GIANNELLA, an individual;
19 GIANNELLA PROPERTIES, INC., a
20 California Corporation; WILLIAM G.
21 AYYAD, an individual; WILLIAM G.
22 AYYAD, INC., a California Corporation;
23 an PREMIER COMMUNITIES, LLC, a
24 California Limited Liability Company,

Plaintiff,

vs.

25 ALLIED PROPERTY AND
26 CASUALTY INSURANCE COMPANY,
27 an Iowa Corporation; AMCO
28 INSURANCE COMPANY, an Iowa
Corporation; NATIONWIDE MUTUAL
INSURANCE COMPANY, an Ohio
Corporation, and DOES 1 to 100,
inclusive,

Defendants.

CASE No. 07 CV 2030 JM NLS

NOTICE OF RELATED ACTION

Local Rule 40.1(e)

Action Filed: September 10, 2007

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN, pursuant to Civil Local Rule 40.1(e) of this Court,
that the following previously filed cases appear related to this civil action:

1 1. *Avocado Crest Condominiums, LLC, et al. v. Allied Mutual Insurance*
 2 *Company, et. al.*, Superior Court of the State of California for the County of San Diego, Central
 3 Division, Case No. GIC 857918, filed December 6, 2005 ("the *Avocado Crest* action").

4 The instant action is related to the *Avocado Crest* action in that both involve some of the
 5 same parties and are based on similar claims. William G. Ayyad, an individual, and Willam G.
 6 Ayyad, Inc. are plaintiffs in both actions. AMCO Insurance Company is a defendant in both
 7 actions. Both actions are based on AMCO Insurance Company's denial of insurance coverage,
 8 i.e., denial of defense and indemnification, to the insureds in the respective underlying a third-
 9 party actions.

10 However, assignment of the instant action with the *Avocado Crest* action to a single judge
 11 is not likely to effect any savings of judicial effort because the *Avocado Crest* action is being
 12 litigated in the Superior Court of the State of California for the County of San Diego and cannot
 13 be combined with this action. The *Avocado Crest* action may not be removed to federal court for
 14 lack of diversity: plaintiffs are all citizens of California and at least one defendant is also a citizen
 15 of California. The *Avocado Crest* action and the instant action cannot be combined because they
 16 are pending in different courts.

17 2. *Hidden Glen Maintenance Corporation v. 1800 South Maple Street, LLC,*
 18 *et al.*, San Diego County Superior Court, Central Division, Case No. GIC 852647, filed August
 19 18, 2005 ("The *Hidden Glen* action").

20 The instant action is related to the *Hidden Glen* action in that both involve some of
 21 the same parties but are based on different claims. The defendants in the *Hidden Glen* action are
 22 plaintiffs in the instant action. The defendants in the instant action allegedly insured them and are
 23 alleged to have refused to provide coverage for the *Hidden Glen* action.

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1 Nowwithstanding the related nature of the cases, assignment of the instant action with the
2 *Hidden Glen* action to a single judge is not likely to effect any savings of judicial effort because
3 the *Hidden Glen* action has settled and is no longer pending before any court.

4
5 Dated: October 18, 2007

LONG & LEVIT LLP

6
7 By Howard M. Garfield
8 HOWARD M. GARFIELD
9 Attorney for Defendants
10 ALLIED PROPERTY AND
11 CASUALTY INSURANCE
12 COMPANY, AMCO INSURANCE
13 COMPANY, and NATIONWIDE
14 MUTUAL INSURANCE COMPANY

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PROOF OF SERVICE

I am employed in the City and County of San Francisco, California. I am over the age of 18 years and not a party to the within action. My business address is Long & Levit LLP, 465 California Street, Suite 500, San Francisco, California 94104.

On October 18, 2007, I served the document(s) named below on the following attorney(s) of record and/or interested parties in the case of *1800 South Maple Street, LLC, et al. v. Allied Property and Casualty Insurance Company, et al.*, San Diego, Central Division Superior Court Action No. 37-2007-0074662-CU-NP-CTL.

NOTICE OF RELATED ACTION**SERVED ON:**

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- ☒ (BY MAIL) I am readily familiar with Long & Levit LLP's practice for collection and processing of documents for mailing with the United States Postal Service. I caused such document(s) to be placed in a sealed envelope, addressed to the person(s) on whom it is to be delivered pursuant to the attached service list, with postage thereon fully prepaid, to be deposited with the United States mail at San Francisco, California, that same day in the ordinary course of business.
- ☐ (BY FACSIMILE) I caused the document(s) described herein to be transmitted from facsimile number (415) 397-6392 to the facsimile number(s) for each party indicated above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 18, 2007, at San Francisco, California.


J. Locker

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